

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17278 of 2017

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1. Nand Kishore Tiwari S/o Late Baldeo Tiwari, R/o Rampurwa Tola
Chanpariya, P.S. Mainatand, District - West Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Sri Prem Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 14-06-2017 Heard learned counsel for the petitioner and

learned counsel for the State.

This is an application for grant of anticipatory bail
in connection with Mainatand PS case no. 19 of 2010 (arising out
of complaint case no. 379 of 2010) registered for the offences
punishable under Sections 466, 467, 468, 471, 120B of Indian
Penal Code.

The allegation leveled against the petitioner is that
the petitioner along with his son and other labourers were digging
the soil and trying to amalgamate orchards in their field. When the
complainant objected to the same, the petitioner altercated with
the complainant and further informed the complainant that he has
all documents pertaining to the side land and same can be verified
from the *Anchal Adhikari*. The matter is said to have been reported
to *Anchal Adhikari*, Mainatand and further, it transpired that some



forgery had been committed by the petitioner.

Learned counsel for the petitioner submits that at best, the instant case is said to be a case of civil dispute and the complainant is free to initiate proper proceeding in the concerned Civil Court or in an appropriate forum. It is further submitted that the petitioner has no criminal antecedent. It is next submitted that police had submitted final form, finding no case against the petitioner, however, the learned lower court upon a protest petition filed by complainant has been pleased to issue notice and take cognizance.

Having regard to the facts and circumstances of the case, abovenamed petitioner is directed to be released on anticipatory bail on furnishing bonds of Rs. 20,000/- (Rs. Twenty thousand) with two sureties of the like amount each to the satisfaction of Sri Rajiv Kumar, Addl. Chief Judicial Magistrate-IIIrd, Bettiah (West Champaran) in Mainatand PS case no. 19 of 2010 subject to the conditions enumerated under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J.)

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